IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23110 of 2007(A)

PETITIONER:

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1. ABDUL RAHIMAN HAJI, S/O. ABDULLA HAJI, CHERAPARAMBIL, THEKKENKUTTOOR, VENGALLOOR P.O., TIRUR, MALAPPURAM DISTRICT.

2. RAMLATH ABDU RAHIMAN, W/O. ABDUL RAHIMAN HAJI, CHERAPARAMBIL, THEKKENKUTTOOR, VENGALLOOR P.O., TIRUR, MALAPPURAM DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, KOZHIKODE.

2. THE SECRETARY, CORPORATION OF KOZHIKODE, KOZHIKODE.

3. THE TOWN PLANNING OFFICER, CORPORATION OF KOZHIKODE.

4. THE BUILDING INSPECTOR, CORPORATION OF KOZHIKODE, KOZHIKODE.

BY ADV.SRI.P.V.KUNHIKRISHNAN, SC FOR R2 TO R4
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No.23110 OF 2007

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Dated this the 27th day of July, 2007

JUDGMENT

Petitioners challenge Ext.P3. Ext.P3 is an order passed under section 406(3) of the Municipalities Act. As correctly pointed out by the learned counsel for respondents 2 to 4 that petitioners have an alternate remedy under Section 509 of the Municipalities Act, petitioners are relegated to pursue the alternate remedy under section 509 of the Act. But, learned counsel for the petitioners points out that in the meantime till the petitioners prefer an appeal, the impugned order may be kept in abeyance.

In view of the fact that I am relegating the petitioners to pursue the alternate remedy, the writ petition is disposed of directing that Ext.P3 shall be kept in abeyance for a period of one week from today.

(K.M.JOSEPH, JUDGE)

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